

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

Cr. No. 2:22cr20273-1-TLP

BRIAN ALLEN ROGERS,
Defendant.

CRIMINAL SCHEDULING ORDER

A **Report/Scheduling Conference** was held on **April 4, 2023**. The following deadlines and schedules were established:

1. **Discovery** pursuant to Rule 16¹ has been provided by the Government to the Defendant. It is the obligation of the Defendant to promptly review the discovery.
2. Any **Pretrial Motions**, including any motions to suppress, shall be filed by the close of business on **FRIDAY, JUNE 9, 2023**, and a response shall be filed within fourteen (14) days thereafter.
3. A **Report Date/Status Conference** is set for **FRIDAY, JUNE 9, 2023** at **9:00 A.M.** in Courtroom No. 2. The final report date shall also serve as the deadline for any change of plea.
4. If there is a **Plea Agreement**, the case manager shall be notified as soon as possible. A change of plea hearing will take place at the Final Report Date or another day will be set by notice. Any plea agreement is due the day prior to the change of plea hearing. The United States shall submit to chambers a summary of the elements of the offense(s) charges and the statutory penalties for each in advance of the change of plea hearing.

¹Discovery and inspection of evidence shall be in accordance with Rule 16 of the Federal Rules of Criminal Procedure. Defendant must promptly request discovery. To expedite the case, the Government should anticipate a discovery request and be prepared to respond by no later than the initial report date/date of scheduling conference.

5. The Trial is set for **MONDAY, AUGUST 14, 2023** at 9:00 A.M. and is estimated to take approximately **3** days.

By the close of business one week prior to trial, the parties shall file the following:

- a. an agreed set of jury instructions;
- b. alternative versions of jury instructions on which there is not an agreement, with citations and supporting authorities;
- c. an agreed verdict form or alternative versions;
- d. motions in limine;
- e. the names of any potential witnesses (Government only - for jury selection);
- f. the names of all the attorneys involved in trial and the names of anyone seated at counsel table; and
- g. any stipulations between the parties.

Responses to motions in limine shall be filed by 4:00 p.m. three business days after the motion(s) is filed.

Any motion for a continuance of the trial shall be supported by an affidavit stating the reasons for the continuance. **A speedy trial waiver executed by the Defendant shall also accompany that motion.** The motion shall set forth proposed alternative trial dates and other pretrial deadlines consistent with this Order that are agreeable to counsel for all parties. Failure to comply with these requirements may constitute grounds to deny the motion.

The Court's staff is not authorized to entertain any telephonic requests for a continuance or an extension of any deadlines in this Order. Such a request shall be considered only on a motion made in open court or by written motion of a party or joint motion of the parties.

6. **Excluded Time.** The period from **APRIL 4, 2023** through **AUGUST 18, 2023** is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv), because the ends of justice will be served by allowing the Defendant additional time to prepare for trial, and for other reasons stated on the record.

SO ORDERED, this 4th day of April, 2023.

s/ Thomas L. Parker
THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE